

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KURT ANGELONE,
Plaintiff,

v.

MICHAEL FURST, *et al*,
Defendants.

Case No. C07-5538RJB-KLS

ORDER REGARDING
PERSONAL SERVICE

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court on plaintiff's submission of a letter to the Clerk regarding personal service. (Dkt. #41). After reviewing plaintiff's letter and the balance of the record, the Court finds and orders as follows:

On January 24, 2008, plaintiff sent a letter to the Clerk in which he requests that personal service by the United States Marshal be made on defendants Louie Figuera and Aijaz Khursid. As pointed out by plaintiff, in its order directing service, issued on November 1, 2007, the Court stated that any defendant who fails to timely return the signed Waiver will be personally served with a summons and complaint. (Dkt. #7). Defendant Figuera, however, timely did so on November 15, 2007. (Dkt. #18). The Notice and Acknowledgment of Receipt of Summons and Complaint by Mail was returned on November 20, 2007. (Dkt. #19). Accordingly, plaintiff is not entitled to personal service on defendant Figuera.

1 With respect to defendant Khursid, service by mail was unable to be made on him and the return
2 of service came back unexecuted, because he could not be located at the address provided by plaintiff.
3 (Dkt. #49). It is plaintiff's responsibility, however, to provide the correct mailing address for each
4 defendant, so that service by mail may be attempted by the United States Marshal. Given the above,
5 plaintiff does not appear to have done so in regard to defendant Khursid in this case. Nor does it appear
6 defendant Khursid is being represented by the state in this matter, as no notice of appearance has been
7 made on his behalf by the Washington State Office of the Attorney General. As such, plaintiff also is not
8 entitled to personal service on defendant Khursid.

9 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

10 DATED this 14th day of February, 2008.

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14 Karen L. Strombom
15 United States Magistrate Judge
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